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COMMUNITY DEVELOPMENT COMMITTEE MEETING
Tuesday, January 13, 2008

PRESENT: Alds. Birschel, Hanson, Herzog, McBride, Meaux, Nikcevich, Stepaniak, -7

ALSO

PRESENT: M. Welch, Community Dev. Dir.; A. Kesner, City Atty.; J. Archambo, City Admin.

Ald. Herzog as Chair called the meeting to order at 8:50 p.m.

Land Division by Subdivision Plat at S.W. Corner of N. 113th Street and Walnut Road

Ms. Welch reported that in December the Common Council approved creation of a Certified Survey Map defining a portion of the City public works site to be sold for development of a residential complex. To facilitate that development parcel, Toldt Development has submitted a subdivision plat creating seven lots and outlining easements for utilities, parking, and stormwater management as well as delineating wetland areas. The proposed plat does not create any parcels that conflict with City standards. The State of Wisconsin Department of Administration will do technical review and approve the final subdivision plat. In response to a question, Helmut Toldt of Toldt Development indicated that further subdivision is possible but not specifically foreseen at this time. Any future request would come back to this committee.

Moved by Ald. McBride, seconded by Ald. Stepaniak to recommend to Council approval of the land division as requested. Ayes: 7

Conditional Use – Restaurant with Outdoor Seating at 7707 Harwood Avenue

Ms. Welch reported on a request by Sean Phelan, 7707 Harwood LLC, for a Conditional Use for a Café Hollander restaurant with outdoor seating in the Village Trade District at 7707 Harwood Avenue, the building soon to be vacated by Zimmerman Architectural Studios. The use would occupy the first, second, and lower levels with outdoor dining on the adjacent pedestrian bridge. The Board of Public Works has recommended approval of the proposed use of public right-of-way contingent upon providing adequate pedestrian access across the bridge. Staff has recommended removal of all tables and chairs during winter to aid in snow clearing and storage. A sidewalk lift would facilitate garbage removal. The intended hours of operation are 7 a.m. to 2 a.m. Monday through Friday and 9 a.m. to 2 a.m. on Saturday and Sunday. The Plan Commission recommended approval subject to execution of encroachment and lease agreements with one commissioner expressing specific concerns about sufficient width of the pedestrian right-of-way.

Scott Phelan, 2937 N. Stowell Avenue, Milwaukee, presented a revised conceptual site plan illustrating the outdoor seating area. Lincoln Fowler, 2961 N. Marietta Avenue, Milwaukee, spoke of a business perspective of seeking out historic buildings in urban walking communities. Originally identified for a possible Alterra Café, the building was ultimately found to be too large for that concept. The Hollander group, which operates a number of different venues in various areas of Milwaukee, then entered the picture and executed a lease agreement. Mr. Fowler envisioned energizing the Village with greater pedestrian and bike traffic, thereby also enhancing security by having more eyes on the street and bringing in active engagement with the river.

Mike Eitel, 2857 S. Superior Street, said he and his partner, Eric Wagner, who was also present, have actively pursued a Village location for some time. He described the European grand café concept using buildings of

great character and historic importance. Such cafes open early, close late, and are visited regularly at least several times each week or even several times daily by a diverse group of customers, most from the immediate neighborhood. A sidewalk café is an integral part of the grand café concept. This building is an amazing structure that is well positioned for connecting with a major asset, the Menomonee River, Mr. Eitel said. He described improvements at their other restaurant locations that have enhanced and enlivened those areas and emphasized that the outdoor seating design is conceptual at this point. They have allowed for eight feet of public clearance with a barrier delineating the dining area. There would be enough passage for heavy use of the bridge as well as public access and circulation around the fountain. They will work with City staff on the final layout. Back-to-back benches and a bike rack are envisioned at the south end of the bridge and possibly more bike racks at the north end and in front of the building. The main entrance would be on the Harwood elevation.

Kathy Ehley, Executive Director of the Village Business Improvement District (BID), reported that the BID board has endorsed this concept and is excited about the opportunity to complement the growing vibrancy and variety of Village businesses. She encouraged study to ensure that there is adequate passageway on the bridge for two-way traffic for pedestrians and bikes. A January 8, 2009 letter from the Village BID chair confirms the BID's support and includes mention of their public access concerns.

The Chair noted that the committee has copies of e-mails received today in support of this proposal and a letter from Scott Lee, Regional Sales Coordinator for Aflac, 7700 Harwood Avenue, expressing concerns that adjacent outdoor dining may negatively affect that business. All correspondence is part of the permanent file.

Speaking in support of the proposal were: Christian Walters, 1937 N. 73rd Street; Jack Hirt, 2171 N. 61st Street; Conor Williams, 1935 Underwood Avenue; Tom Schuler, 1761 Church Street (commercial owner at 6228 W. State Street), Historical Society board member; Jim Plaisted, 7436 Kenwood Avenue; Wayne Rappold, 1869 N. 72nd Street; Kevin Hardiman, 1920 Underwood Avenue, BID board member. Many were familiar with other venues operated by the restaurant group, and they expressed strong support for this venture. They spoke of enhancing the walk-ability of the area, increasing both pedestrian and bike traffic, the positive economic impact to the Village, and the benefit of connecting to parking and the Little Red Store on the west side of the river. Mr. Plaisted cited extensive experience working with the development/ownership team and the restaurant group and commended the level of quality and attention to detail found in their projects.

Mark Rowbottom, 1233 Kavanaugh, owner of 7700 Harwood Avenue and a member of the BID board, emphasized the importance of public access and noted that the BID's letter expressed concern about the quantity of seating proposed for the bridge area and its effect on pedestrian traffic. He urged the committee to consider that there would be more pedestrian traffic yet access will be more constricted. It is important to keep some of these prime spots open to all the public, he felt.

Ald. Birschel expressed support but raised a question of how events like Tosafest and HartFest would be affected. He questioned details about fountain operation, and Mr. Eitel explained alternatives being considered regarding the source and circulation of water.

In response to questions, Mr. Eitel explained their plan to encourage use of parking on the other side of the bridge and the expectation that people will also walk and bike to the café. The second floor would be a banquet and meeting hall for larger groups, which they hope will be used by local entities such as Froedtert. Ms. Ehley added that the BID is confident that they will be able to work with Café Hollander to increase the use of the under-utilized lots. The BID is working on a long-term parking strategy.

Ald. Nikceovich questioned the precedent for outdoor 2 a.m. closing. Ms. Welch reported that area hours vary. The Chancery was approved in the 1970s without any restrictions. Vino 100 has approved hours of 6 a.m. to 2 a.m. Sunday through Thursday and 6 a.m. to 2:30 a.m. Friday and Saturday. Pizzeria Piccola's hours are 11 a.m. to 11 p.m., Leff's has standard bar hours, and Hector's outdoor patio, which is adjacent to residential, has hours of 11 a.m. to 9 p.m. daily. The Firefly's restaurant hours are 10 a.m. to 2 a.m. Monday through Friday,

10 a.m. to 2:30 a.m. Saturday, and they have outdoor dining hours of 10 a.m. to midnight daily. Le Reve's hours are 6 a.m. to midnight daily. Ms. Welch was not aware of any complaints and said that there is often better security with later hours as well as greater comfort with remote parking. She said that North Avenue's 11 p.m. closing requirement is due to the adjacent residential neighborhood. Mr. Eitel indicated that their Brady Street location is open until midnight in deference to the mixed-use neighborhood.

Mr. Eitel explained that garbage would be handled using a sidewalk lift for access to an airtight holding room in the basement. They would not use disposables in the outdoor setting, so there is not much risk of blowing garbage. There will be garbage bins and bus pans at the outdoor service station.

Ald. Meaux asked about maintenance of outdoor planters, outdoor heating devices, and use of outdoor space by non-patrons who might stop briefly when tables are not in use. He commented favorably on Vino 100's outdoor venue and expressed support for this proposal. Mr. Eitel reported that they outsource watering and pruning of their planters and move them to the indoor patio in winter. They are researching alternatives for outdoor heating devices. Brief use of the area by non-patrons might be a sensitive issue that the manager could address, although providing public benches might help in those situations.

Mr. Eitel said that commercial deliveries would utilize State Street where they may request a loading zone if there is enough room. Refuse collection would be scheduled very early in the morning, and other deliveries would likely be very early although liquor and beer deliveries do not begin until after 7 a.m. Ald. Stepaniak suggested that staff arrive at a mutually acceptable arrangement for handling deliveries.

In reference to buffering noise, Mr. Eitel said that they do not pipe music outdoors and would check on the City process for any special events with live music. Ald. Stepaniak felt that midnight would be a reasonable limit for live music given the proximity of the Dewey/Aurora facility.

Ald. Stepaniak commented on the need to ensure that this business can have a viable presence while also ensuring the public's access as well as the public's perception of that accessibility without a sense of intruding on someone else's space. Is the proposed eight-foot width perceived as sufficient for unfettered access? Ms. Welch said that the space would be 30% wider than a typical sidewalk width of six feet and would be ADA compliant. The bike trail bridge connecting to Hart Park is eight feet wide, although it feels more constrained due to its high sides. Difficulties with sidewalk tables have occurred in situations with a clear space of only four feet.

The City should be sensitive to the adjacent property owner's concerns in terms resolving any remaining issues, Ald. Stepaniak said. He also suggested staff monitoring for operational issues that affect that building. Ms. Welch noted that there is no provision for use of any increased area along that side of the fountain. Mr. Eitel said that he would work with the BID on improving the public areas. He commented that the architect's plan should be viewed as a concept—there is really more open space than shown.

(The committee recessed at 10:10 and reconvened at 10:17 p.m.)

Ald. McBride said that some of the concerns expressed come with working in old, historic places. He noted that this is the most historic intersection in Wauwatosa, dating back to 1835. He commented that this project goes hand-in-glove with the goals of Tosafest and HartFest. We will have to monitor this use and can change it if necessary, but we need to take the risk he felt. He recommended use of signage and regular monitoring by the BID to be sure that foot traffic is flowing well. He noted that there was concern from the beginning that the Little Red Store location couldn't work unless people cross the bridge. This will help provide that link.

The Chair reported that there are residences directly across the street above Noodles and Company and there are apartments down the street. He noted that a Conditional Use can be revoked or modified if something unduly affects the neighborhood.

Moved by Ald. Meaux, seconded by Ald. Hanson to recommend to Council approval of the Conditional Use with hours of 7 a.m. to 2 a.m. Monday through Friday and 9 a.m. to 2 a.m. Saturday and Sunday subject to execution of encroachment and lease agreements and obtaining all necessary licenses and permits.

The meeting adjourned at 10:22 p.m.

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin

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